

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL ANTHONY
GALLUZZO,

Petitioner, : Case No. 3:19-cv-171
v. : JUDGE WALTER H. RICE
SCOTT SPRINGHETTI, Director,
Tri-County Regional Jail, :
Respondent.

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #36) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #42);
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOCS. ##37,
43); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC.
#1) WITH PREJUDICE; OVERRULING AS MOOT PETITIONER'S
MOTION FOR SUMMARY JUDGMENT (DOC. #33); DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL */N*
FORMA PAUPERIS; JUDGMENT TO ENTER IN FAVOR OF
RESPONDENT AND AGAINST PETITIONER; TERMINATION ENTRY

Following a jury trial in Champaign County Municipal Court, Petitioner Michael Galluzzo was convicted of operating a motor vehicle without a license and driving while his license was suspended. After being sentenced to 180 days in jail, Galluzzo filed a Petition for Writ of Habeas Corpus, Doc. #1. Proceedings were stayed until his state court appeals were completed.

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #36,

and Supplemental Report and Recommendations, Doc. #42, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filings in their entirety.

Petitioner's Objections to those judicial filings, Docs. ##37, 43, are OVERRULED as frivolous. Magistrate Judge Merz has thoroughly explained why Petitioner is not entitled to habeas corpus relief on his claims concerning the state court's alleged lack of jurisdiction, the alleged invalidity of the St. Paris ordinance at issue, the alleged Fourth Amendment and due process violations, the alleged failure to provide him with full discovery prior to trial, the alleged violation of Petitioner's right to travel, and Petitioner's alleged status as a "sovereign."

Although Petitioner may disagree with Magistrate Judge Merz about the merits of these claims, nothing in Petitioner's Objections persuades the Court that Magistrate Judge Merz erred in recommending dismissal of the Petition.

Accordingly, the Court DISMISSES the Petition for Writ of Habeas Corpus, Doc. #1, WITH PREJUDICE, and OVERRULES AS MOOT Petitioner's Motion for Summary Judgment, Doc. #33.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: October 26, 2020



(tp - per Judge Rice authorization after his review)

WALTER H. RICE
UNITED STATES DISTRICT JUDGE